

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, NOVEMBER 14, 2019**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Edds, Steve; Chairman  
Chaney, Mike; Commissioner of Insurance  
Graham, Jesse, Deputy Treasurer; Representing State Treasurer Lynn Fitch  
Jackson, Laura, Executive Director, MS Department of Finance & Administration  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney  
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood  
Smith, Denita; Representing Public Safety Commissioner Marshall Fisher

Also present were:

Donaldson, Bruce; Tort Claims Board  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Milner, Steve; Tort Claims Board  
Rayburn, Amanda; Cannon Cochran Management Services Inc.  
Smith, Dan; Attorney General's Office  
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Jackson to approve the minutes of the September 12, 2019, meeting. Mr. Lanford seconded the motion, which passed unanimously.

There was no Old Business.

In New Business, Mrs. McElroy presented the 2020 schedule of Board meeting dates. By common consent, the January 2020 meeting was changed to January 16<sup>th</sup> to avoid any conflict with swearing-in ceremonies. The Chairman and Commissioner Chaney expressed their thanks to Laura Jackson for her service. Mrs. Jackson is retiring January 15<sup>th</sup>.

Mr. Logan presented the financial report for fiscal year 2020 through October 31, 2019. We have received just over \$3.2 million in assessments, which is about 70% of the total assessment. Expenditures to-date are \$2.3 million. Total funds, including investments, are \$17.6 million. Reserves are \$6.9 million, leaving unencumbered funds at \$10.7 million. We paid \$853,000 in claim payments and \$153,000 in legal expenses. Mr. Logan advised that the

Average Claim Paid for the period is \$4,143 and Average Reserve is \$12,921. Looking at the Budget Comparison Report, everything is in line with where it should be at this point in the fiscal year.

Mr. Wilson presented a brief investment report through October 2019. The portfolio has a book value of just over \$12.6 million, with a market value of \$12.6 million. For the calendar year, the internal rate of return is right at 2.0%, and is anticipated to be between 2.3-2.50% by year end. The year to date earnings for the calendar year are currently just under \$225,000.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his work with the Mississippi State Fair. The Fair closed with only 1 slip/fall claim. He is also continuing ride-alongs with new State Troopers.

Mrs. McElroy presented three (3) attorneys for inclusion in the approved Attorney Register: Grafton E. Bragg; Ginny Y. Deliman of Taylor, Wellons, Politz & Duhe, APLC; and Christopher M. Howdeshell of Pittman Howdeshell, PLLC. All three meet the eligibility requirements of the Board and staff recommends approval. Commissioner Chaney moved to approve and Mrs. Jackson seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 38 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Jackson made a motion to approve the list and Mr. Lanford seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



MARSHALL FISHER, BOARD MEMBER



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LYNN FITCH, BOARD MEMBER

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JIM HOOD, BOARD MEMBER

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LAURA D. JACKSON, BOARD MEMBER

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GARY RIKARD, BOARD MEMBER

Mississippi Tort Claims Board  
November 14, 2019 - 1:30pm  
Conference Center North, Room 138  
First Floor, Woolfolk Building  
Jackson, Mississippi

ATTENDANCE LIST

| <u>NAME</u>               | <u>DEPARTMENT/COMPANY</u> |
|---------------------------|---------------------------|
| Jeff Wilson               | Trinity Capital           |
| Steven Millner            | TCB                       |
| Stacy Smith               | TCB                       |
| Mark Smith                | AG                        |
| Dan Smith                 | AG                        |
| Amanda Baybourn           | OCMSI                     |
| Jesse Graham              | OST                       |
| James Jackson             | DFA                       |
| Steve Edwards             | Chairman                  |
| Chubba                    | MIR                       |
| <del>David N. Smith</del> | MID                       |
| David N. Smith            | DPS                       |
| Dan Kelly                 | TCB                       |
| Jim                       | TCB                       |
|                           |                           |
|                           |                           |
|                           |                           |
|                           |                           |

**Mississippi Tort Claims Board**  
**Thursday, November 14, 2019 – 1:30 P.M.**

**AGENDA**

- I.** Approval of Minutes
  - A. September 12, 2019
- II.** Old Business
- III.** New Business
  - A. 2020 Board Meeting Dates
- IV.** Financial Reports
  - A. Financial Report – Jim Logan
  - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General's Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Bruce Donaldson
- IX.** Adjournment

Next meeting date and time: January 9, 2020 – 1:30 P.M.  
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, SEPTEMBER 12, 2019**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Janous, Leigh, Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood  
Graham, Jesse, Deputy Treasurer; Representing State Treasurer Lynn Fitch  
Jackson, Laura, Executive Director, MS Department of Finance & Administration  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney  
Rikard, Gary; Executive Director, MS Department of Environmental Quality  
Smith, Denita; Representing Public Safety Commissioner Marshall Fisher

Also present were:

Donaldson, Bruce; Tort Claims Board  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Milner, Steve; Tort Claims Board  
Schmidt, Anthony; Department of Public Safety  
Smith, Dan; Attorney General's Office  
Wells, Lisa; Cannon Cochran Management Services Inc.  
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Jackson to approve the minutes of the July 11, 2019, meeting as amended. Mr. Rikard seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided Board members with a breakdown of the \$4.6 million assessment by agency. Invoices will go out by the end of the month and agencies have the option to pay in full or pay half now and half January 1, 2020. This breakdown is provided for informational purposes only as the assessment was approved by the Board in July.

*Mrs. Kelsey entered the meeting.*

In New Business, Mrs. McElroy presented a contract amendment for Riskconnect ClearSight LLC (formerly Marsh ClearSight LLC) continuing our relationship for the Risk Management Information System for one additional year beginning October 1, 2019, and ending September 30, 2020. The annual price of \$57,015 reflects a general increase of 5%, for a total of

\$2,715 over our current contract pricing. Mrs. Jackson made a motion to approve the contract amendment, which was seconded by Mrs. Kelsey and unanimously approved.

Mrs. McElroy requested the agenda be revised to include one more item of New Business. She then made members aware of a public records request from The Washington Post requesting “disclosure of all risk management claim information maintained in the department’s computerized claims tracking system. The records disclosed pursuant to this request will be used in the preparation of news articles for dissemination to the public.” It was requested that any fees associated with the request be waived; however, Board members unanimously agreed to charge the Post per the Tort Claims Board Rules.

Mr. Logan presented a final financial summary for fiscal year 2019 through August 31, 2019. Our primary expenditure through the lapse period is for legal expense, and we paid just under \$55,000 during this lapse period. We also paid \$8,266 in administrative expenses, for a total of \$63,098 for the lapse period. For the fiscal year, we spent just over 55% of our total appropriation. Mr. Logan also presented a financial report for fiscal year 2020 through August 31, 2019. Total expenses for the first two months are \$1.3 million. Total funds are at \$15 million between investments, cash in the Treasury, and the TPA account at Trustmark, with \$7.2 million in reserves and \$7.8 million in unencumbered funds. We’ve paid \$455,000 in claim payments and just over \$36,000 in legal expenses. The Average Claim Paid for the period is just over \$4,142 and Average Reserve is \$13,744. Looking at the Budget Comparison Report, we have spent 14% of our total budget appropriation.

Mr. Wilson presented a brief investment report through August 2019. The portfolio has a book value of \$12.579 million, with a market value of \$12.568 million – immaterial \$11,000 difference. For the calendar year, the internal rate of return is at 1.66%, and is anticipated to be between 2.34-2.50% by year end. The year to date earnings for the calendar year are currently just under \$150,000 compared to \$270,000 for the fiscal year – all higher than we’ve been in the last 5 years.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his upcoming work with the Mississippi State Fair beginning October 1, MEMA Fall Meeting September 19<sup>th</sup>, and monthly Capitol Facilities Tenant Meetings to help identify liability exposures.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Elliott V. Haller with Maxey Wann PLLC in Jackson. Mr. Haller does meet the eligibility requirements of the Board and staff recommends approval. Mrs. Jackson moved to approve and Mrs. Kelsey seconded. The motion passed unanimously.

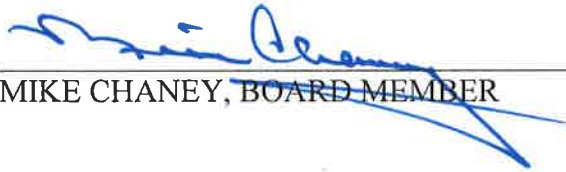
Mrs. McElroy presented a list of 51 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Jackson made a motion to approve the list and Mrs. Kelsey seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER



LAURA D. JACKSON, BOARD MEMBER

GARY RIKARD, BOARD MEMBER



MARSHALL FISHER, BOARD MEMBER



# **Mississippi Tort Claims Board 2020 Meeting Dates**

## **January 16, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

## **March 12, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

## **May 14, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

## **July 9, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

## **September 10, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

## **November 12, 2020**

Suite 138, Conference Center North, Woolfolk Building  
Jackson, Mississippi at 1:30pm

**MISSISSIPPI TORT CLAIMS BOARD**  
**Combined Financial Report - Fiscal Year 2020**  
Fund 3308100000

**-----CASH FLOW ANALYSIS-----**

|                                     | September               | October                 | Year-To-Date           |
|-------------------------------------|-------------------------|-------------------------|------------------------|
| <b>REVENUE:</b>                     |                         |                         |                        |
| Assessments Received                | 2,654.40                | 3,268,567.07            | 3,271,221.47           |
| Interest                            | 4,062.52                | 3,352.53                | 14,111.57              |
| Investment Interest                 | 21,300.73               | 19,664.23               | 84,773.15              |
| Sale of Scrap                       | 0.00                    | 0.00                    | 1,250.00               |
| Transfer In Funds                   | 0.00                    | 250,000.00              | 1,000,000.00           |
| <b>Total Revenue</b>                | <b>\$ 28,017.65</b>     | <b>\$ 3,541,583.83</b>  | <b>\$ 4,371,356.19</b> |
| <b>EXPENSES:</b>                    |                         |                         |                        |
| Claim Losses - TCB and TPA          | 135,373.27              | 262,410.48              | 853,474.35             |
| Legal Expenses - TCB and TPA        | 53,209.93               | 63,629.99               | 153,688.02             |
| Other Expenses - TCB and TPA        | 873.00                  | 481.00                  | 3,850.30               |
| Administrative Expenses Paid        | 125,265.33              | 75,567.41               | 310,663.35             |
| Transfer of Funds - Out             | 0.00                    | 250,000.00              | 1,000,000.00           |
| <b>Total Expenses</b>               | <b>\$ 314,721.53</b>    | <b>\$ 652,088.88</b>    | <b>\$ 2,321,676.02</b> |
| <b>FUNDS ON HAND:</b>               |                         |                         |                        |
| Beginning Balance                   | \$ 15,050,919.79        | \$ 14,764,215.91        |                        |
| Revenue                             | 28,017.65               | 3,541,583.83            |                        |
| Expenses                            | (314,721.53)            | (652,088.88)            |                        |
| Adjustments (LAPSE PERIOD)          | 0.00                    | 0.00                    |                        |
| <b>Total Funds</b>                  | <b>\$ 14,764,215.91</b> | <b>\$ 17,653,710.86</b> |                        |
| Cash in Treasury                    | \$ 1,843,417.57         | \$ 4,729,105.97         |                        |
| Investment in Treasury              | \$ 12,571,017.62        | \$ 12,590,681.85        |                        |
| TPA Trustmark Bank Balance          | 349,780.72              | 333,923.04              |                        |
| <b>Total Funds By Account</b>       | <b>\$ 14,764,215.91</b> | <b>\$ 17,653,710.86</b> |                        |
| Less Reserves                       | <b>\$ 6,964,878.66</b>  | <b>\$ 6,964,611.25</b>  |                        |
| <b>Unencumbered Funds Available</b> | <b>\$ 7,799,337.25</b>  | <b>\$ 10,689,099.61</b> |                        |

**-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----**

|                                      | MTCB                 | CCMSI                  | TOTAL                  |
|--------------------------------------|----------------------|------------------------|------------------------|
| Claims - Payments                    | \$ 37,511.43         | \$ 815,962.92          | \$ 853,474.35          |
| Claims - Legal Expenses              | 140,198.02           | 13,490.00              | 153,688.02             |
| Claims - Other Expenses              | -                    | 3,850.30               | 3,850.30               |
| <b>Total Paid Out to Date</b>        | <b>\$ 177,709.45</b> | <b>\$ 833,303.22</b>   | <b>\$ 1,011,012.67</b> |
| <b>OUTSTANDING RESERVES</b>          | <b>373,235.45</b>    | <b>6,591,375.80</b>    | <b>6,964,611.25</b>    |
| <b>Total Claims &amp; Reserves</b>   | <b>\$ 550,944.90</b> | <b>\$ 7,424,679.02</b> | <b>7,975,623.92</b>    |
| Number of Claims Created             | 204                  | 162                    | 366                    |
| Number of Claims Paid                | 100                  | 106                    | 206                    |
| Total Open Claims                    | 167                  | 372                    | 539                    |
| <b>AVG. CLAIM \$ / # CLAIMS PAID</b> | <b>\$375.11</b>      | <b>\$7,697.76</b>      | <b>\$ 4,143.08</b>     |
| <b>AVG. RESERVE / OPEN CLAIMS</b>    | <b>\$2,234.94</b>    | <b>\$17,718.75</b>     | <b>\$ 12,921.36</b>    |

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

# MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3308100000

Fiscal Year 2020

| Expenses:             | Total Budget                  | September<br>2019           | October<br>2019             | Year To Date<br>Expenditures  | Ending<br>Balance             | Percent<br>Expended  |
|-----------------------|-------------------------------|-----------------------------|-----------------------------|-------------------------------|-------------------------------|----------------------|
| A1-Salaries           | \$ 586,647.00                 | \$ 48,424.73                | \$ 48,469.15                | \$ 194,604.25                 | \$ 392,042.75                 | 33.17%               |
| A2-Travel             | 4,000.00                      | 0.00                        | 1,472.03                    | 1,472.03                      | 2,527.97                      | 36.80%               |
| B-Contractual         | 1,650,000.00                  | 129,650.23                  | 78,823.46                   | 253,582.34                    | 1,396,417.66                  | 15.37%               |
| C-Commodities         | 7,000.00                      | 273.40                      | 115.51                      | 1,054.45                      | 5,945.55                      | 15.06%               |
| D2-Capital Outlay     | 2,000.00                      | 0.00                        | 0.00                        | 0.00                          | 2,000.00                      | 0.00%                |
| E-Subsidies           | 4,300,000.00                  | 12,076.03                   | 257,333.43                  | 1,037,511.43                  | 3,262,488.57                  | 24.13%               |
| <b>SUBTOTAL</b>       | <b><u>\$ 6,549,647.00</u></b> | <b><u>\$ 190,424.39</u></b> | <b><u>\$ 386,213.58</u></b> | <b><u>\$ 1,488,224.50</u></b> | <b><u>\$ 5,061,422.50</u></b> | <b><u>22.72%</u></b> |
| TPA Expended          |                               | <u>124,297.14</u>           | <u>265,875.30</u>           | <u>833,451.52</u>             |                               |                      |
| <b>TOTAL Expended</b> |                               | <b><u>\$ 314,721.53</u></b> | <b><u>\$ 652,088.88</u></b> | <b><u>\$ 2,321,676.02</u></b> |                               |                      |

# **TRINITY**

TRINITY CAPITAL INVESTORS

November 7, 2019

Ms. Lea Ann McElroy  
Mississippi Tort Claims Board  
P O Box 267  
Jackson, MS 39205-0267

Re: October 2019 Portfolio Highlights

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|                                  |              |                       |
|----------------------------------|--------------|-----------------------|
| Total Portfolio                  | Book Value   | \$12,619,783          |
|                                  | Market Value | \$12,598,527          |
|                                  |              |                       |
| 2019 YTD Internal Rate of Return |              | 1.97%                 |
| Current Portfolio Book Yield     |              | 2.17%                 |
| Market Yield                     |              | 2.04%                 |
|                                  |              |                       |
| Weighted Average Life            |              | Approximately 2 years |
|                                  |              |                       |
| YTD 2019 Earnings                |              | 224,446               |
| Accrued Interest                 |              | 45,573                |



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
MARSHALL L. FISHER, Commissioner  
Department of Public Safety  
LYNN FITCH, Treasurer  
Department of Treasury

JIM HOOD, Attorney General  
Office of Attorney General  
LAURA D. JACKSON, Executive Director  
Department of Finance and Administration  
GARY RIKARD, Executive Director  
Department of Environmental Quality

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Steve Milner  
**DATE:** November 14, 2019  
**RE:** Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 15 Days State Fair Duty
- 1 Fall MEMA Meeting
- 1 Defensive Driving Training Class
- 9 State Property/Leased Property Inspections
- 2 Accident Investigations
- 1 Ride-A-Long
- 3 Risk Management Consultations
- 1 Capital Facilities Tenants Meeting



**STATE OF MISSISSIPPI**  
GOVERNOR PHIL BRYANT

**MISSISSIPPI TORT CLAIMS BOARD**  
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
MARSHALL L. FISHER, Commissioner  
Department of Public Safety  
LYNN FITCH, Treasurer  
Department of Treasury

JIM HOOD, Attorney General  
Office of Attorney General  
LAURA D. JACKSON, Executive Director  
Department of Finance and Administration  
GARY RIKARD, Executive Director  
Department of Environmental Quality

**MEMORANDUM**

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** November 14, 2019  
**RE:** Additions to Defense Attorney List

**RECOMMENDATION:** Staff recommends approval of (3) attorney for inclusion on Defense Attorney List

Honorable Grafton E. Bragg  
Attorney At Law  
Jackson, Mississippi 39201

Honorable Ginny Y. Deliman  
Taylor, Wellons, Politz & Duhe, APLC  
Madison, Mississippi 39110

Honorable Christopher M. Howdeshell  
Pittman Howdeshell, PLLC  
Hattiesburg, Mississippi 39402

## Lea Ann McElroy

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**From:** Grafton Bragg <geb@wisecarter.com>  
**Sent:** Thursday, September 26, 2019 2:42 PM  
**To:** Lea Ann McElroy  
**Subject:** <EXTERNAL>: Tort Claims Approved Attorney Register  
**Attachments:** GEB.pdf

Lea Ann,

Thanks for speaking with me this afternoon. I want to formally request to be added to the Tort Claims Approved Attorney Register. I've attached a copy of my resume and can also obtain a certificate of good standing if you need me to.

Let me know if you have any questions.

Best regards,

**Grafton E. Bragg**

*Attorney*

Post Office Box 651  
Jackson, MS 39205-0651  
600 Heritage Building  
401 East Capitol St.  
Jackson, MS 39201  
P: 601-944-7729  
F: 601-968-5593  
E: [geb@wisecarter.com](mailto:geb@wisecarter.com)  
[www.wisecarter.com](http://www.wisecarter.com)

# GRAFTON ERIC BRAGG

113 GREEN GATE CROSSING • RIDGELAND, MISSISSIPPI 39157  
CELL 601.624.1153 • GEB@WISECARTER.COM

*Admitted to all state and federal courts in Mississippi*

## LEGAL EXPERIENCE

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- Fall 2016-Present      **Litigation Attorney**, Wise Carter Child & Caraway, PA, • Practice focuses on federal-court litigation, including defense of Section 1983 claims, bad faith litigation, and commercial litigation.
- Fall 2014-Fall 2016      **Federal District Court Law Clerk**, The Honorable Sharion Aycock, United States Chief District Judge, Northern District of Mississippi
- Summer 2013              **Federal District Court Extern**, The Honorable Daniel P. Jordan III, Southern District of Mississippi

## ASSOCIATIONS AND ORGANIZATIONS

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National Order of Barristers, 2014 Class  
National Order of Scribes, 2014 Class  
Federal Bar Association  
Capitol Area Bar Association

## EDUCATION

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**J.D. *summa cum laude*** May 2014, Mississippi College School of Law (GPA: 3.94)( Rank: 3 of 173)

- Casenote & Comment Editor, Law Review
- Moot Court Board
  - Louisiana State Bar Association Trial Competition Champion, Baton Rouge, LA, April 2014
  - Mississippi Moot Court Champion, Jackson, MS, April 2014
- American Jurisprudence Awards: Advanced Legal Research and Writing, Appellate Advocacy, Business Associations, Civil Procedure I, Civil Procedure II, Commercial Paper, Conflict of Laws, Constitutional Law, Contracts I, Corporate and Partnership Tax, Criminal Law, Evidence, Estate and Gift Taxation, Federal Courts, Federal Income Taxation, Insurance Law, Legal Research I Small Section, Legal Writing I Small Section, Professional Responsibility and Ethics, Torts II
- National Order of Barristers
- National Order of Scribes
- Pupil, Charles Clark Inn of Court, September 2013-March 2014
- Hearin Scholar

**B.A.** in Accountancy; Minor in Economics, May 2011, Mississippi State University

- National Merit Finalist Full Academic Scholarship

## PUBLICATIONS

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The Work-Rule Doctrine Doesn't Work After *Reeves v. Sanderson Plumbing Products* (36 Miss. C. L. Rev. (2017))

Grafton Bragg, *Interested in Due Process: Why Courts Should Take Account for More than Just Takings When Deciding Prisoners' Interest Rights*, 17 Chapman Law Review Online 7 (2014), available at [www.chapmanlawreview.com/archives/2990](http://www.chapmanlawreview.com/archives/2990)

Author—Negligence Chapter, Encyclopedia of Mississippi Law

Co-Author—Product Liability Chapter, Encyclopedia of Mississippi Law





TAYLOR WELLONS POLITZ DUHE APLC

NEW ORLEANS • BATON ROUGE • JACKSON

September 10, 2019

Ginny Y. Deliman  
Direct Dial: 769-524-2913  
Email: gdeliman@twpdlaw.com

Mississippi Tort Claims Board  
P. O. Box 267  
Jackson, MS 39205

Re: Request to be added as approved attorney

Dear Board Members:

I am writing to request that I be added to your list of approved attorneys. I have been practicing law since my admission to the Mississippi Bar in 2006. I am and have continuously been in good standing with the Mississippi Bar as well as all state and federal courts. A copy of my current résumé is enclosed for your review.

If you need anything further, please let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Ginny Deliman'.

Ginny Y. Deliman

GYD/lma  
Enclosure

# VIRGINIA "GINNY" DELIMAN

## ATTORNEY AT LAW

180 Nutmeg Lane, Canton, MS 39046 / Mobile: (601) 954-1149 / E mail: gdeliman@twpdlaw.com

### Professional Summary

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- Significant litigation experience focusing on general liability, including medical malpractice, premises liability, trucking and auto accident defense, professional negligence, construction and surety litigation, and insurance issues, including bad faith, coverage disputes, and all aspects of insurance defense.
- Experience in all courts, federal and state, including circuit and chancery court, justice court, bankruptcy court, and federal and state appellate courts.
- Appearances before administrative agencies, including: MS Workers Compensation Commission, EEOC, and MS Department of Employment Security.

### Bar Admissions & Memberships

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- The Mississippi Bar, September 2006
- United States District Courts, Northern and Southern Districts of Mississippi, September 2006
- Fifth Circuit Court of Appeals, September 2006
- Capital Area Bar Association
- Claims and Litigation Management Alliance

### Education

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|                        |  |          |
|------------------------|--|----------|
| <b>Juris Doctorate</b> | Mississippi College School of Law, Jackson, MS<br><i>Magna Cum Laude</i> (Class Rank: 7/153) | May 2006 |
|------------------------|--|----------|

Mississippi College Law Review, Articles Editor; Environmental Law Society, President  
STAR Mentor; Inns of Court, Student Member; BMI/Cardozo Law School Moot Court Competition, NY, NY

|                         |  |               |
|-------------------------|--|---------------|
| <b>Bachelor of Arts</b> | Millsaps College, Jackson, MS<br><i>Cum Laude</i> Major: Political Science | December 2002 |
|-------------------------|--|---------------|

### Professional Experience

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|--|---|
| <b>Taylor Wellons Politz &amp; Duhe APLC</b><br><i>Special Counsel</i> | Madison, MS<br>November 2018 to Present |
|--|---|

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|---|--|
| <b>Watson Heidelberg, PLLC</b><br><i>Attorney</i> | Flowood, MS<br>January, 2016 to October 2018 |
|---|--|

|   |  |
|---|--|
| <b>Heidelberg Harmon, PLLC</b><br><i>Attorney</i> | Ridgeland, MS<br>January 2010 to December 2015 |
|---|--|

|   |  |
|---|--|
| <b>Maison Heidelberg, P.A.</b><br><i>Attorney</i> | Ridgeland, MS<br>March 2006 – January 2010 |
|---|--|

Since joining the Bar in 2006, my practice has focused almost entirely on civil litigation. I have represented both individuals and businesses in a broad spectrum of matters, including insurance defense (auto and casualty), product liability defense, medical malpractice defense, legal/professional malpractice defense, construction litigation, personal injury, commercial disputes, and contract disputes. I have also handled wrongful termination/employment practices, disability insurance claims, banking disputes, and securities arbitrations.

I have handled every aspect of litigated cases, from intake to final conclusion, including pleadings, discovery, motion practice, witness and expert witness development, mediation, trial, and appeal. I have also handled matters in arbitration and administrative hearings, including workers compensation and EEOC.

## **Published Opinions**

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*Est. of Nelson v. Nelson*, \_\_ So. 3d \_\_ (Miss. Ct. App. 2018)

*Mississippi Baptist Health Systems, Inc. v. Harkins*, 245 So. 3d 750 (Miss. 2018)

*Stroud v. Progressive Gulf Insurance Co.*, 239 So. 3d 516 (Miss. Ct. App. 2017)

*Songcharoen vs. Plastic & Hand Surgery Assoc., PLLC*, 636 Fed. Appx. 884 (5<sup>th</sup> Cir. 2016)

*Noble Real Estate v. Seder*, 101 So. 3d 197 (Miss. Ct. App. 2012)

*Meka v. Grant Plumbing & Air Conditioning Co.*, 67 So. 3d 18 (Miss. Ct. App. 2011)

*Crawford Logging, Inc. v. Est. of Irving*, 41 So. 3d 687 (Miss. 2010)

*Brown vs. Progressive Gulf Ins. Co.*, 30 So. 3d 355 (Miss. Ct. App. 2009)

*Mitchell v. Progressive Ins. Co.*, 965 So. 2d 679 (Miss. 2007)

## **References**

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**Hon. Edwin Y. Hannan**, County Court Judge, Madison County, Mississippi

**Ms. Patricia Evans**, Former Dean of Admissions, Mississippi College School of Law

**Jim Rosenblatt**, Former Dean, Mississippi College School of Law

Contact information available upon request

PITTMAN HOWDESHELL, PLLC

ATTORNEYS AT LAW

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140 MAYFAIR ROAD, SUITE 400  
HATTIESBURG, MISSISSIPPI 39402

CHRISTOPHER M. HOWDESHELL

September 23, 2019

HOMER W. PITTMAN (1903-1971)

JACK H. PITTMAN - OF COUNSEL

REPLY TO:  
POST OFFICE, DRAWER 17138  
HATTIESBURG, MS 39404-7138

Telephone: 601.264.3314  
Facsimile: 601.261.3411

Ms. Lea Ann McElroy, Administrator  
Mississippi Tort Claims Board  
401 North West Street, Suite 1301-C  
Jackson, MS 39201

RE: Request for Addition to Tort Claims Approved Attorney's Register

Dear Ms. McElroy:

Please find enclosed herein my Resume, and consider this correspondence as my request to be added to the Tort Claims Approved Attorney's Register. Specifically, I am requesting to be added for the purpose of representing the Mississippi Transportation Commission and/or the Mississippi Department of Transportation Commission and other governmental entities in suits brought under the Mississippi Tort Claims Act for claims alleging damage to real property.

By way of background, I have represented the Mississippi Transportation Commission as well as several counties, in eminent domain cases over the last twenty (20) years. Also, I have defended the Transportation Commission in inverse condemnation matters, most recently in the following cases: Ward Gulfport Properties v. Mississippi State Highway Commission, Supreme Court Case No. 2014-CA-01001, (Harrison County Circuit Court, Cause No. A2401-09-383); BP Properties v. Mississippi Transportation Commission, Supreme Court Case No. 2014-CA-01684, (Harrison County Circuit Court, Cause No. A2401-11-115); and HL & Rentals, LLC v. Mississippi Transportation Commission, Forrest County Circuit Court, Cause No. W17-0108.

I have assisted Jack H. Pittman, Esq., an approved attorney, in Tort Claims Act claims involving the Transportation Commission, such as Pamela Broom Taggart, et al v. Mississippi Transportation Commission, Marion County Circuit Court, Cause No. 98-0241; O.R. Garretson v. Mississippi Department of Transportation, Supreme Court Case No. 2013-CA-01511 (Greene County Circuit Court, Cause No. 2005-08-088(1)); and William A. Byrd v. Mississippi Transportation Commission, Marion County Circuit Court, Cause No. 16-cv-0077-AM. The O.R. Garretson and William A. Byrd cases involved torts to real property related to siltation and/or run-off from a highway construction project. The William A. Byrd matter involved both a claim for inverse condemnation and damages under the Tort Claims Act for siltation of a pond.

Ms. Lea Ann McElroy, Administrator  
Mississippi Tort Claims Board  
Page Two  
October 23, 2019

Based on my experience, I would suggest that I can provide proficient representation of government clients, including the Mississippi Transportation Commission, in the area of real property torts and/or inverse condemnation.

Thank you for your consideration in this regard, and please let me know if you need anything further.

Respectfully,

PITTMAN HOWDESHELL, PLLC

A handwritten signature in black ink, appearing to read "Chris. Howdeshell", written over the printed name.

Christopher M. Howdeshell

CMH:bws

Enclosure

## CHRISTOPHER M. HOWDESHELL

28 Brookline Drive, Hattiesburg, MS 39402 | 601.408.1152 | [chris@pittmanlawfirm.net](mailto:chris@pittmanlawfirm.net)

### EDUCATION

The University of Mississippi School of Law, Oxford, MS, Juris Doctor, May 1997.

Furman University, Greenville, SC, Bachelor of Arts, History, December 1993.

### EXPERIENCE

Member, Pittman Howdeshell, PLLC, February 2019 – Present. Shareholder, Pittman Law Firm, Hattiesburg, MS, July 2014 – January 2019. Member, Pittman, Howdeshell & Hinton, PLLC, August 2013 – July 2014. Member, Pittman, Howdeshell, Hinton & Hightower, PLLC, April 2010 – August 2013. Member, Pittman, Howdeshell & Hinton, PLLC, July 2003 – April 2010.

- Participated in the litigation of cases in the areas of eminent domain, real property, estates, government defense, and general defense.
- Performed title examinations, drafted title opinions, and completed closings for private and government clients.
- Assisted government clients in the acquisition of real property.

Associate Attorney, Pittman Law Firm, Hattiesburg, MS, May 1998 – July 2003.

- Participated in the litigation of cases in the areas of eminent domain, real property, collections, domestic relations, and general defense.
- Performed title examinations, drafted title opinions, and performed closings for private and government clients.

Judicial Clerk, Tenth Chancery Court District, Hattiesburg, MS, August 1997 – May 1998.

- Researched legal issues in the areas of domestic relations, contracts, real property, and constitutional law, and assisted Chancellors in drafting opinions.

### LICENSES, CERTIFICATIONS, AND PROFESSIONAL MEMBERSHIPS

Admitted to the practice of law in all Mississippi State and Federal Courts, including the Fifth Circuit, September 30, 1997. Admitted to the United States Tax Court, October 12, 2010, and the United States Supreme Court in 2017. Mississippi Bar Number 10688.

International Right of Way Association, Certified, Negotiation/Acquisition, November 1, 2012

Member of the Mississippi Bar Association and the South Central Mississippi Bar Association



**STATE OF MISSISSIPPI**  
GOVERNOR PHIL BRYANT

**MISSISSIPPI TORT CLAIMS BOARD**  
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Office of Attorney General  
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Department of Finance and Administration  
GARY RIKARD, Executive Director  
Department of Environmental Quality

**MEMORANDUM**

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** November 14, 2019  
**RE:** Political Subdivisions – Certificates of Coverage

**RECOMMENDATION:** Staff recommends approval of 38 political subdivisions shown on attached list.

# MISSISSIPPI TORT CLAIMS BOARD

Thursday, November 14, 2019

Political Subdivisions Recommended for Renewal of Certificate of Coverage

AAA Ambulance Service, Inc.  
Adams County Board of Supervisors  
Clermont Harbor-Lakeshore Fire Protection District  
Corinth Public (Gas & Water) Utilities Commission  
East Tallahatchie School District  
George County School District  
Grenada County Firefighters Association  
Hinds County Fire District  
Jackson City Clerk  
Jackson County Fire District  
Jackson County School District  
Lafayette County Fire District  
Leetown Fire District  
Ludlow Volunteer Fire Department  
Madison County School District  
Meridian Community College  
Mississippi Coast Transit Authority  
Nesbit Volunteer Fire Department  
North Central Scott County Volunteer Fire Department  
Oktibbeha County Volunteer Fire Departments  
Pascagoula-Gautier School District  
Pass Christian Public School District  
Poplarville Volunteer Fire Department  
Region Eight Mental Health Services  
Region Eight Mental Health Services  
Region III Northeast Mental Health/Retardation Center  
Region XII Commission on Mental Health and Retardation  
Senatobia Municipal School District  
Simpson County Board of Supervisors  
Singing River Mental Health/Retardation Services  
South Panola School District  
Union County Board of Supervisors  
Union Public School District  
Wayne County Board of Supervisors  
Wayne County Fire  
Webster County Fire District  
West Jackson County Utility District  
Yazoo-Mississippi Delta Levee Board

**Total 38**